

ENROLLED ORDINANCE 160-2

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE BY AMENDING VARIOUS SECTIONS PERTAINING TO BUILDING
HEIGHT AND LEGAL LOTS OF RECORD (SZ-1459B)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on January 23, 1970; and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Section 59.971, Wisconsin Statutes; and

WHEREAS, the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff is in the process of undertaking a review of the current Ordinance and have recommended certain revisions to the Ordinance, as a result of the report of the Waukesha County Planning Commission Study Workgroup in 2001; and

WHEREAS, the proposed amendments have been the subject of a public hearing held on February 16, 2005, following the notice and procedures of Section 59.69, Wisconsin Statutes; and

WHEREAS, the proposed amendments have been duly referred, considered and approved by the Waukesha County Park and Planning Commission at its meeting of March 24, 2005; and

WHEREAS, the proposed amendments are on file in the Department of Parks and Land Use, Room 230, 1320 Pewaukee Road in Waukesha, Wisconsin; and

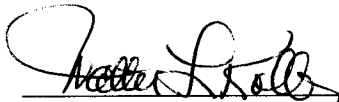
WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment Committee and to the Waukesha County Board of Supervisors with its recommendation that the proposed amendments be approved.

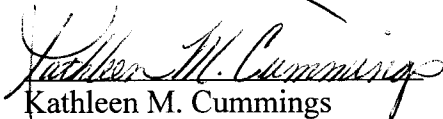
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the text of the Waukesha County Shoreland and Floodland Protection Ordinance is hereby amended in accordance with the proposed amendments adopted by the Land Use, Parks and Environment Committee and on file with the Department of Parks and Land Use.

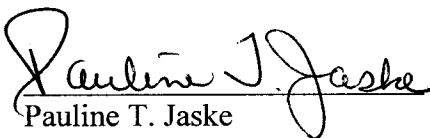
BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and publication.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE BY AMENDING VARIOUS SECTIONS PERTAINING TO BUILDING
HEIGHT AND LEGAL LOTS OF RECORD (SZ-1459B)

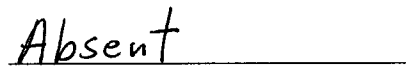
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair



Kathleen M. Cummings


Pauline T. Jaske

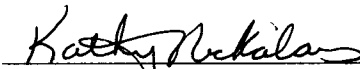

Scott J. Klein


Absent
Bill Kramer


Daniel Pavelko


Vera Stroud

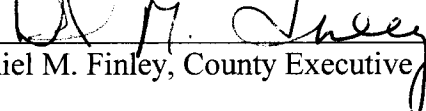
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 4-29-2005, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ☒

Vetoed: ☐

Date: 5-2-05, 
Daniel M. Finley, County Executive

AMENDMENTS TO THE WAUKESHA SHORELAND AND FLOODLAND PROTECTION ORDINANCE

Section 1:

Repeal and Recreate Section 2.02(9) to read:

Building, height of:

The vertical distance measured from the lowest exposed point of a structure to the highest point of any roof.

Section 2:

Repeal and Recreate Section 3.10(2)(E) to read:

Where a lot has less area or width than required for the district in which it is located or frontage as specified in Section 3.10(2)(A) and was of record at the time of the passage of this Ordinance (July 30, 1970), such lot shall be used for any purpose permitted in any such district, but not for residential purposes for more than one family provided; however, that building location, height regulations and area regulations shall comply with the R-3 Residential District except where otherwise specified in other sections of this Ordinance.

Such substandard lots shall be in separate ownership from abutting lots. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the minimum lot area requirements of the R-3 Residential District or as close to that minimum as possible.

Section 3:

Repeal and Recreate Section 9.03 of the R-1 Residential District to read as follows:

9.03 Height Regulations

- (1) Principal Building: The maximum height of a residential structure shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

160-0-003

Section 4:

Repeal and Recreate Section 10.03 of the R-2 Residential District to read as follows:

10.03 Height Regulations

- (1) Principal Building - The maximum height of a residential building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

Section 5

Repeal and Recreate Section 11.03 of the R-3 Residential District to read as follows:

11.03 Height Regulations

- (1) Principal Building: The maximum height of a residential building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

KM/es

AMENDMENTS TO THE WAUKESHA COUNTY ZONING CODE

Section 1:

Repeal and Recreate Section 2.02(10) to read:

Building, height of:

The vertical distance measured from the lowest exposed point of a structure to the highest point of any roof.

Section 2:

Repeal and Recreate Section 3.11(2)(E) to read:

Where a lot has less area or width than required for the district in which it is located or frontage as specified in Section 3.11(2)(A) and was of record at the time of the passage of this Ordinance (February 26, 1959), such lot shall be used for any purpose permitted in any such district, but not for residential purposes for more than one family provided; however, that building location, height regulations and area regulations shall comply with requirements of the R-3 Residential District except where otherwise specified in other sections of this Ordinance.

Such substandard lots shall be in separate ownership from abutting lots. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the minimum lot area requirements of the R-3 Residential District or as close to that minimum as possible.

Section 3:

Repeal and Recreate Section 9.02 of the R-1 Residential District to read:

9.02 Height Regulations

- (1) Principal Building: The maximum height of a residential structure shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

160-0-003

Section 4:

Repeal and Recreate Section 9.03a of the R-1a Residential District to read:

9.03a Height Regulations

- (1) Principal Building: The maximum height of a building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

Section 5

Repeal and Recreate Section 10.03 of the R-2 Residential District to read:

10.03 Height Regulations

- (1) Principal Building: The maximum height of a residential building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

Section 6

Repeal and Recreate Section 11.03 of the R-3 Residential District to read:

11.03 Height Regulations

- (1) Principal Building: The maximum height of residential building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

KM/es

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/26/05

(ORD) NUMBER-1600003

1 K. HERRO.....AYE
3 D. STAMSTA.....AYE
5 J. MARCHESE.....AYE
7 J. JESKEWITZ.....AYE
9 P. HAUKOHL.....AYE
11 K. HAREDA.....AYE
13 J. MORRIS.....AYE
15 D. SWAN.....AYE
17 J. BEHREND.....AYE
19 W. MITCHELL.....AYE
21 W. KOLB.....AYE
23 J. TORTOMASI.....AYE
25 K. CUMMINGS.....AYE
27 D. PAULSON.....AYE
29 T. BULLERMANN.....AYE
31 V. STROUD.....AYE
33 D. PAVELKO.....AYE
35 C. SEITZ.....AYE

2 R. THELEN.....AYE
4 R. HUTTON.....AYE
6 D. BROESCH.....AYE
8 J. DWYER.....AYE
10 S. WOLFF.....AYE
12 B. RONCKE.....AYE
14 A. KALLIN.....AYE
16 R. MANKE.....AYE
18 B. MORRIS.....AYE
20 M. KIPP.....AYE
22 G. BRUCE.....AYE
24 B. KRAMER.....AYE
26 S. KLEIN.....AYE
28 P. JASKE.....AYE
30 K. NILSON.....AYE
32 P. GUNDRUM.....AYE
34 R. SINGERT.....AYE

TOTAL AYES-35

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-35